

ORDINANCE NO. 1550

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI
RELATING TO THE REGULATION OF ADULT BUSINESSES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Chapter _____, Adult Businesses, is hereby added to the
Lodi Municipal Code to read as follows:

Chapter _____

ADULT BUSINESSES

- Section 1. Findings
- Section 2. Definitions
- Section 3. Location of Adult Businesses
- Section 4. Appearance of Premises: Advertising Displays
- Section 5. Viewing Booths: Visibility
- Section 6. Hours of Operation
- Section 7. Severability

Section 1. Findings.

The City Council of the City of Lodi finds and declares that adult businesses, by their nature, generate certain secondary effects unless regulated. These include blight, downgrading of neighborhoods, lowering of property values, and a tendency to attract undesirable persons who may engage in certain types of criminal conduct. Experience in other cities has shown that where adult businesses are

concentrated, neighborhoods deteriorate and the areas become less desirable places in which to work and live. To avoid these secondary effects, this ordinance is intended to prevent concentrations of such uses in a single area, and to regulate to the extent permitted by law the manner in which adult businesses are conducted.

Section 2. Definitions.

A. "Adult business" shall include the following:

1. "Adult bookstore" means any commercial establishment that has 25% or more of its stock in books, magazines, photographs, drawings, video tapes, films, or other representations which is characterized or distinguished by emphasis on matter describing or depicting specified sexual activities or specified anatomical areas.
2. "Adult gift shop" means any commercial establishment that has in its stock articles or merchandise more than 25% of which is characterized or distinguished by emphasis on matter depicting or describing specified sexual activities or specified anatomical areas.
3. "Adult newsrack" means any coin operated machine or device dispensing material substantially devoted to the depiction of specified sexual activities or specified anatomical areas.
4. "Adult theater" means any commercial theater or place of business which presents live entertainment, closed circuit

television, video tapes, films, or slides more than 25% of which are characterized or distinguished by emphasis on matter depicting or describing specified sexual activities or specified anatomical areas.

5. "Adult video establishment" means an establishment dealing in the sale or rental of video tapes or cassettes for use or viewing on or off the premises, and having 25% or more of its stock in trade in material which is characterized or distinguished by its emphasis on matters depicting or describing specified sexual activities or specified anatomical areas.

6. "Modeling studio" means any business or establishment which, for any form of consideration, provides the services of a live human model, either wholly or partially nude, for the purpose of allowing customers or patrons to paint, sketch, draw, photograph or reproduce by other method an image of or upon such model.

B. "Child care center" means any business or establishment licensed by the State of California for child care or day care services.

C. "School" means an institution, either public or private, for instruction in courses of study required by the California Education Code or which is maintained pursuant to standards set by the State Board of Education. This includes nursery school, kindergarten, elementary school, junior high school, senior high

school, or special institution of learning under the jurisdiction of the State Department of Education.

D. "Specified sexual activities" means:

I. Depiction or description of:

- a) Actual or simulated sexual intercourse, fellatio, cunnilingus, bestiality, sodomy, sadomasochism, analingus, coprophilia, necrophilia, or pedophilia;
- b) Clearly depicted human genitals in a state of sexual stimulation or arousal;
- c) Fondling or touching of nude human genitals, pubic regions, buttocks or female breasts;
- d) Human excretion, urination, menstruation, vaginal or anal irrigation; or
- e) Any combination of the foregoing.

E. "Specified anatomical areas" means:

I. Less than completely and opaquely covered:

- a) Human genitals or pubic region;
- b) Buttocks;
- c) Female breasts below a point immediately above the top of the areolae; and

II. Human male genitals in a discernibly turgid or erect state, even if completely and opaquely covered.

Section 3. Location of Adult Businesses.

From and after adoption of this ordinance, no person shall establish, conduct or permit to be established or conducted any adult business within 1,000 feet of any church, school, playground, child care center, or other adult business.

For purposes of this section, the distance between uses shall be measured in a straight line without regard to intervening structures from the closest exterior wall of each business or use.

Adult businesses in existence on the effective date of this chapter are deemed non-conforming uses which may continue subject to the provisions of Section 17.69.030 of this Code.

Section 4. Appearance of Premises: Advertising Displays.

A. The exterior appearance of buildings housing adult businesses shall not be inconsistent with the external appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values in the neighborhood where such business is located.

B. No adult business shall display in any fashion or location visible to persons on any public street or sidewalk any sign, poster, photograph, or display of merchandise or stock in trade depicting specified sexual activity or specified anatomical areas.

Section 5. Viewing Booths: Visibility.

No adult business in which is located one or more viewing booths for the purpose of viewing films, cassettes, or video tapes characterized by emphasis on matter depicting specified sexual

activities or specified anatomical areas shall be maintained or operated unless the complete interior of such booths or enclosures where films or tapes are viewed is visible from the entrance to such premises. No partially or fully enclosed or concealed booths shall be permitted.

Section 6. Hours of Operation.

No adult business as defined herein with the exception of adult newsracks shall remain open between the hours of 2:00 a.m. and 8:00 a.m., and all patrons, customers, and visitors shall be excluded therefrom during those hours.

Section 7. Severability.

If any section, subsection, sentence, clause or portion of this chapter is, for any reason, held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this article. The City Council of the City of Lodi declares it would have adopted this chapter and each section, subsection, sentence, clause or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or portions thereof should be declared invalid or unconstitutional.


SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this 20th day of May, 1992


JAMES W. PINKERTON, JR.
Mayor

Attest:


ALICE M. REIMCHE *by jmr*
City Clerk

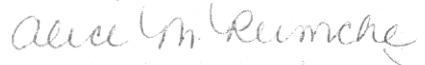
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State of California
County of San Joaquin, ss.

I, Alice M. Reimche, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1550 was introduced at a regular meeting of the City Council of the City of Lodi held May 6, 1992 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held May 20, 1992 by the following vote:

Ayes:	Council Members - Hinchman, Pennino, Sieglock, Snider and Pinkerton (Mayor)
Noes:	Council Members - None
Absent:	Council Members - None
Abstain:	Council Members - None

I further certify that Ordinance No. 1550 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.


ALICE M. REIMCHE *by jmr*
City Clerk

Approved as to Form

A handwritten signature in black ink, appearing to read "B W McNatt", with a long horizontal flourish extending to the right.

BOBBY W. McNATT
City Attorney

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